

# Response to Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

## Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, Proof of Service of Response by Mail.)

### ① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①):  
Rita Dorothy Lamb

### ② Person From Whom Protection Is Sought

a. Your Name: Albert Carvalho mistakenly referred to as Alan Carvalho

Your Lawyer (if you have one for this case)

Name: Rodney Lee Soda State Bar No.: 72738

Firm Name: Law Office of Soda & Greenberg

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: 74361 Highway 111, Suite 10

City: Palm Desert State: CA Zip: 92260

Telephone: 760 320-2000 Fax:

E-mail Address: rsoda@sodalaw.net

### ③ ☒ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (Specify below or in item ⑪ on page 3.)

### ④ ☒ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (specify below or in item ⑪ on page 3):

### ⑤ ☒ Additional Protected Persons

- a. ☐ I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.
- b. ☒ I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.

# FILED

Superior Court of California  
County of Riverside

8/27/2019

V. Lopez

Electronically Filed

Fill in court name and street address:

Superior Court of California, County of  
RIVERSIDE: PALM SPRINGS

RIVERSIDE

3255 E. TAHQUITZ CANYON WAY  
PALM SPRINGS CA 92262

Court fills in case number when form is filed.

Case Number:

PSC1905502

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

Hearing  
Date

Date: 8/28/19

Time: 1:30 p.m.

Dept.: PS4

Room:

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

**6 Guns or Other Firearms and Ammunition**

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use form CH-800, *Proof of Firearms Turned In, Sold or Stored*, for the receipt.

- a. ☒ I do not own or control any guns or firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

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- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

**7 Possession and Protection of Animals**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c. ☐ I agree to the following orders (specify below or in item 11 on page 3):

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**8 Other Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c. ☐ I agree to the following orders (specify below or in item 11 on page 3):

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**9 Denial**

I did not do anything described in item 7 of form CH-100. (Skip to 11.)

**10** ☒ **Justification or Excuse**

If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):

☒ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment*

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**11** ☒ **Reasons I Do Not Agree to the Orders Requested**

*Explain your answers to each order requested that you do not agree with.*

☒ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment*

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**12** ☐ **No Fee for Filing**

- a. ☐ I request that I not be required to pay the filing fee because the person in **1** claims in form CH-100 item **13** to be entitled to free filing.
- b. ☐ I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.)

**13** ☒ **Lawyer's Fees and Costs**

- a. ☒ I ask the court to order payment of my ☒ Lawyer's fees ☐ Court costs.

The amounts requested are:

Item	Amount	Item	Amount
Attorney's Fees	\$ 2,500.00		\$
	\$		\$
	\$		\$

- ☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use or form MC-025, Attachment.
- b. ☐ I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**14** Number of pages attached to this form, if any: 1

Date: August 27, 2019

Rodney Lee Soda  
Lawyer's name (if any)

  
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: August 27, 2019

Albert J. Carvalho  
Type or print your name

  
Sign your name



<b>SHORT TITLE:</b> Lamb v. Carvalho	<b>CASE NUMBER:</b> PSC1905502
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**ATTACHMENT (Number):** 10

*(This Attachment may be used with any Judicial Council form.)*

### ATTACHMENT 10--JUSTIFICATION OR EXCUSE

The Petitioner, Rita Lamb, is running for a vacant City Council seat in Cathedral City. My husband, Shelley Kaplan, is Ms. Lamb's opponent for that seat.

I am a videographer used by the City of Cathedral City to shoot footage for its website. Some of that footage was placed on YouTube by me and is my protected property.

Recently, I learned that the Petitioner or her campaign had used that footage for her council seat campaign and did so without my permission or consent. I contacted YouTube to remove those ads as unauthorized. The ads were removed. However, no sooner were they removed, that either Ms. Lamb or her campaign organizers put the same unauthorized ads using my protected footage, back on her election campaign website. Once again, I had the ads removed. This occurred still a third time using a different social media outlet, Vimeo. And, once again, I had to go through that company to get the ads using my footage, removed.

On the day in question, there was a celebratory event in Cathedral City. After the event concluded, I went up to the Petitioner and tried to advise her that she was violating my protected property rights. I did not shout or point my finger at her. I did not take any aggressive steps nor threatened her in any way. I didn't even threaten legal action which was my right to do. Instead, I was simply asking her how she felt about using my protected material without my consent. I was asserting my legal rights, not threatening or harassing her. I will produce evidence at the hearing corroborating this statement.

### ATTACHMENT 11--REASONS I DO NOT AGREE TO THE ORDERS REQUESTED

I incorporate the response set forth in Attachment 10 above. I did not do the things alleged by the Petitioner. I neither pointed my fingers at her nor shouted at her. I did not threaten her with physical harm nor even suggest that I might do such. All I did was address a continuing violation of my legal rights by asking her how she felt about the continuous violation of my copyright. I did so in a room full of people. My actions were done in the presence of others and not in a covert, devious or insidious manner.

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page 1 of 1

*(Add pages as required)*

LAMB, DAVID

CIV-110

PLAINTIFF/PETITIONER: Rita Lamb  
DEFENDANT/RESPONDENT: Alan Carrvallo

CASE NUMBER:  
PSC 1905502

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived fees and costs in this action for (name):
2. The person in item 1 is (check one below):
  - a. ☐ not recovering anything of value by this action.
  - b. ☐ recovering less than \$10,000 in value by this action.
  - c. ☐ recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. ☐ All court fees and costs that were waived in this action have been paid to the court (check one): ☐ Yes ☐ No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_



(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

(SIGNATURE)